

ASSEMBLY BILL

No. 12

Introduced by Assembly Member Leslie

August 21, 2006

An act to add Sections 2914 and 2915 to the Penal Code, relating to corrections, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 12, as introduced, Leslie. Corrections.

Existing law provides for the Department of Corrections and Rehabilitation to administer the state's corrections system, and provides various facilities and services for female and male inmates.

This bill would authorize the department to transfer inmates to out of state correctional facilities in order to serve the remainder of his or her state term if the federal Immigration and Customs Enforcement has placed a hold on the inmate. This bill would also authorize the department to enter into contracts for costs associated with housing and services for inmates transferred to out of state correctional facilities, as specified.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2914 is added to the Penal Code, to
2 read:

1 2914. Notwithstanding any other provision of law, the
2 Department of Corrections and Rehabilitation may transfer any
3 inmate to serve his or her state prison term in an out-of-state
4 correctional facility in any case where the federal Immigration
5 and Customs Enforcement has placed a hold on the inmate.

6 SEC. 2. Section 2915 is added to the Penal Code, to read:

7 2915. The Department of Corrections and Rehabilitation is
8 authorized to enter into contracts for the housing of, and all
9 related services for, state prison inmates transferred pursuant to
10 Section 2914. The contracts may be entered into with a state
11 government or any operator of a correctional facility in another
12 state. The per inmate costs of any contract entered into by the
13 department pursuant to this section may not exceed the per
14 inmate cost of housing the inmate in a prison operated by the
15 department.

16 SEC. 3. This act is an urgency statute necessary for the
17 immediate preservation of the public peace, health, or safety
18 within the meaning of Article IV of the Constitution and shall go
19 into immediate effect. The facts constituting the necessity are:

20 As of June 2006, the prison inmate population totaled nearly
21 172,000. More than 16,000 inmates are being housed in buildings
22 that were not designated as housing units, and capacity in these
23 nontraditional spaces will be exhausted by June 2007. In order to
24 provide prison capacity beyond 2007, and construct housing units
25 and related program space to replace nontraditional housing, it is
26 necessary that this act take effect immediately.

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